IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.15980 OF 2007

Dated : August 9, 2007

Between:

Smt. L. Kavitha

Petitioner

AND

The Station House Officer,
Bitragunta Police Station,
Bogole Mandal, Nellore District and another

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.15980 OF 2007

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.S.R. VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. The grievance of the petitioner in the fax message dated 19.007.2007 sent to this court, which has been registered as the present writ petition, is that her husband by name Mr. L. Benjiman @ Alexander had been illegally detained by the Sub-Inspector of Police, Bitragunta Police Station, Bogole Mandal, Nellore District. Hence, she seeks a writ of habeas corpus.

3. Repelling the said averments, counter affidavit has been filed by the first respondent, who is Sub-Inspector of Police, Bitragunta Police Station, Bogole Mandal, Nellore District, stating that the alleged detenue is an accused in Cr. No.96 of 2007 for the offence under Sec. 41(1) of the Code of Criminal Procedure, registered at the Bitragunta Police Station. The crime had been registered against the alleged detenue as he was moving under suspicious circumstances on 21.07.2007 at 2.45 a.m. and upon reliable information, he was arrested in Cr. No. 96 of 2007 and produced before the Mandal Executive Magistrate, Bogole Police Station and intimation of the said arrest was given to his cousin on 21.07.2007 itself. It is further averred that subsequently, the alleged detenue was released on bail by the Mandal Executive Magistrate, Bogole Mandal, on the same day on condition that he shall maintain good behaviour for a period of six months.

4. In view of these facts, we do not see any reason

to continue the writ petition further. Consequently, the writ petition is dismissed being devoid of merits, at the stage of admission. However, no order as to costs.

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D.S.R.Varma, J.

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D.Appa Rao, J.

August 9, 2007
MAS